

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HORIZON CELLULAR TELEPHONE COMPANY OF SPENCER	)	
L.P., A DELAWARE LIMITED PARTNERSHIP, FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY FOR THE CONSTRUCTION AND OPERATION	)	CASE NO.
OF A CELL SITE IN THE KENTUCKY RURAL SERVICE	)	93-119
AREA WHICH INCLUDES SPENCER, NELSON, ANDERSON,	)	
HARDIN, WASHINGTON, MERCER, LARUE, MARION,	)	
GREEN AND TAYLOR COUNTIES IN KENTUCKY	)	

O R D E R

On February 1, 1993, Horizon Cellular Telephone Company of Spencer, L.P. ("Horizon Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. Horizon Cellular has requested authorization to construct a cell site in Mercer County. Horizon Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 92-485.<sup>1</sup>

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<sup>1</sup> Case No. 92-485, Horizon Cellular Telephone Company of Spencer, L.P., a Delaware Limited Partnership, for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in the Kentucky Rural Service Area Which Includes Spencer, Nelson, Anderson, Hardin, Washington, Mercer, Larue, Marion, Green and Taylor Counties in Kentucky; for a Certificate of Public Convenience and Necessity to Construct a Cell Site in Elizabethtown, Kentucky; and for Establishment of Initial Rates.

The proposed cell site consists of a 315-foot or less guyed antenna tower to be located approximately .1 mile west of Harrodsburg, off Cornishville Road, approximately .9 mile west of the intersection of U.S. 127 and Cornishville Road (KY 1989), Mercer County, Kentucky ("the Harrodsburg cell site"). The coordinates for the Harrodsburg cell site are North Latitude 37° 46' 06" by West Longitude 84° 51' 43".

Horizon Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Harrodsburg cell site. Based upon the application, the tower and foundation design appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Harrodsburg cell site's construction is exempt from local zoning ordinances. Horizon Cellular has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Harrodsburg cell site. Horizon Cellular has received approvals from the FCC and the FAA, while the KAZC application is still pending.

Horizon Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Harrodsburg cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners

and/or residents of their right to intervene. On April 9, 1993, the Commission received a protest letter from Mr. and Mrs. William Hendron. On April 22, 1993, Horizon Cellular was ordered to respond to the Hendrons. The Commission concurrently notified the Hendrons of their right to intervene. On May 13, 1993, the Hendrons sent a letter to the Commission which stated their continuing opposition to the tower, yet waived their right to intervene. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Horizon Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Horizon Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Horizon Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Harrodsburg cell site in RSA No. 4 under its approved tariff.

IT IS THEREFORE ORDERED that:

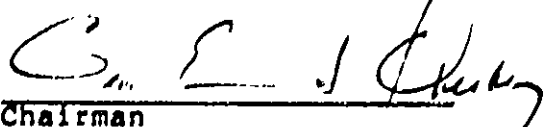
1. Horizon Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 315-foot or less guyed cellular radio telecommunications antenna tower in RSA No. 4 to be located approximately .1 mile west of Harrodsburg, off Cornishville Road, approximately .9 mile west of the intersection of U.S. 127 and Cornishville Road (KY 1989), Harrodsburg, Mercer County, Kentucky. The coordinates for the Harrodsburg cell site are North Latitude 37° 46' 06" by West Longitude 84° 51' 43".

2. Horizon Cellular shall file a copy of the final decision regarding its pending KAZC application for this cell site construction within 10 days of receiving this decision.

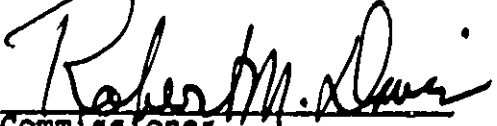
3. Horizon Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 10th day of June, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director